HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.22535 of 2005

Dated: July 4, 2006

Between:

Parupally Lakshmi Prasanna, W/o. P. Sridhar,
Hindu, aged about 27 years, R/o. H.No.6-1-68,
V.D.O's Colony, Khammam District.

… Petitioner

And

The Jawaharlal Nehru Technological University,
represented by its Registrar, Kukatpally, Hyderabad,
and others.

… Respondents

Order:

Petitioner, by this writ petition, seeks Mandamus to declare the action of Respondent Nos. 1 to 3 in not taking action to cancel the admission of the fifth respondent in the third respondent college as illegal and arbitrary.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing on behalf of the respondents.

3. This writ petition appears to be an offshoot of a matrimonial dispute between the fifth respondent and the petitioner. It is stated that the application filed by the fifth respondent, seeking divorce, against the petitioner, was dismissed and the matter was carried in appeal before this Court by way of a Civil Miscellaneous Appeal, in C.M.A.No.3160 of 2004, which is pending consideration.

4. Succinctly, the facts of the case are:

The petitioner married the fifth respondent on 03-02-2001 in Khammam and their marriage was consummated. It is the case of the petitioner that her husband, the fifth respondent herein, at the time of marriage stated that he is a graduate in engineering and is working in a software company. It is stated that on enquiry, the petitioner came to know that her husband has only passed diploma in Polytechnic in L.M.E. Branch, but not A.M.I.E. (Associate Member of Institute of Engineers) which is equivalent to an engineering degree. It is further stated that when she was living with her husband, she found three identical certificates of different years with him, issued by the fourth respondent, i.e. the Institution of Mechanical Engineers, Mumbai. The petitioner doubts the genuineness of the said certificate. It is her case that even if it is genuine, a person possessing the said certificate is not eligible for admission to M. Tech. course. It is alleged that the fifth respondent has got admission in

M. Tech course, basing on the I.M.E. Degree he has obtained from the fourth respondent. It is alleged that the said certificate is not recognized by the second respondent as equivalent to engineering degree for prosecuting higher studies and as such the admission of the fifth respondent in the college of the third respondent is invalid. The petitioner is said to have made a representation to the third

respondent to enquire into the matter and take immediate action against the fifth respondent and cancel his admission into M. Tech course, but it is stated that no action whatsoever has been taken.
The petitioner also claims to have approached the third respondent as well as the first respondent, personally, and brought the case of the fifth respondent to their notice, to no avail. Alleging inaction on the part of the respondents in considering her representation and taking action against the fifth respondent, the petitioner has come up with this writ petition.

5. Counter affidavit has been filed by the first respondent stating that as per Notification No.F-18-31/71/T-2/T7, dated 26-05-1976 and 24-10-1981, issued by the Ministry of H.R.D., pass in section A & B of Associate Membership Exam is recognized as equivalent to a degree in Mechanical Engineering. It is stated that the first respondent university had also recognized I.M.E. as equivalent to a degree in Mechanical Engineering vide Lr.No.5006/A1/94, dated 25-06-1994, for admission into P.G. courses. It is further stated that the first respondent university had also addressed a letter dated 17-06-2005 to the Ministry of H.R.D. about the genuineness of the said certificate as early as on 08-11-2005, but there is no response from the fourth respondent yet.

6. Whether a particular qualification is equivalent to another degree in a particular university is a matter that is in the exclusive domain of the university authorities. There is absolutely no basis for the allegation of the petitioner that the certificate obtained by the fifth respondent from the fourth respondent institution is a fabricated one. This can obviously be viewed with reference to the matrimonial dispute and animosity between the petitioner and the

fifth respondent, which is pending consideration. In the absence of any supporting material, the allegation of the petitioner that the certificate obtained by the fifth respondent is a fabricated one cannot be accepted. It is also to be seen that the first respondent university has also issued a notification referred to above, recognizing the certificate obtained by the petitioner as equivalent to a degree in engineering. In that view of the matter, it is not open for the petitioner to contend that the I.M.E. certificate obtained by the fifth respondent is not equivalent to a degree in engineering, so as to get admission into M. Tech course. In any event, it is not in dispute that the petitioner has completed M. Tech course in March, 2006 and a provisional certificate has also been issued to him. If the petitioner doubts the genuineness of the certificate obtained by the fifth respondent, it is always open for the petitioner to bring the same to the notice of the respondents; but in the absence of any adverse report against the fifth respondent, his certificate cannot be withheld even after his completing M. Tech course in March, 2006. In view of the letters addressed by the university to the fourth respondent institution, it also cannot be said that the first respondent has not taken any action. If any adverse remarks or material is received by the first respondent university against the fifth respondent, it is open for them to take steps in accordance with law. Having regard to the steps already taken by the respondents, the allegation of the petitioner that no action has been taken by the respondents cannot be countenanced. I do not find any merit in the writ petition, in the absence of any adverse material against the fifth respondent, in order to grant the relief as prayed for.

7. The writ petition is devoid of merits and is accordingly dismissed. It is open for the respondent university to furnish all the

required certificates to the fifth respondent, which he is entitled to, in view of his passing M. Tech course. No order as to costs.

JUSTICE R. SUBHASH REDDY.

July 4, 2006
MRR